

FORM TO BE USED BY PRISONERS IN FILING A COMPLAINT UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. § 1983  
**IN THE UNITED STATES DISTRICT COURT  
 FOR THE SOUTHERN DISTRICT OF MISSISSIPPI**

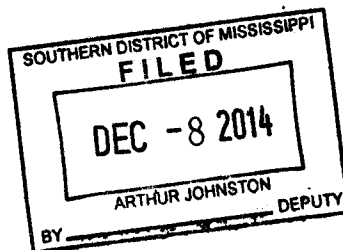
**COMPLAINT**

Smith 31739  
 (Last Name) (Identification Number)

Tommy  
 (First Name) (Middle Name)

East miss Corr facility  
 (Institution)

10641 Hwy 80 West Meridian Miss  
 (Address) 39307  
 (Enter above the full name of the plaintiff, prisoner, and address  
 plaintiff in this action)



v.

CIVIL ACTION NUMBER:

3:14-cv-936-CWR-LRA  
 (to be completed by the Court)

MTC - MDOC - Health

ASSURANCE - Christopher

Epps - Gloria Perry

GEO Group Inc - Dr Faulks  
 (Enter above the full name of the defendant or defendants in this action)

**OTHER LAWSUITS FILED BY PLAINTIFF****NOTICE AND WARNING:**

The plaintiff must fully complete the following questions. Failure to do so may result in your case being dismissed.

A. Have you ever filed any other lawsuits in a court of the United States? Yes ( ) No (X)

B. If your answer to A is yes, complete the following information for each and every civil action and appeal filed by you. (If there is more than one action, complete the following information for the additional actions on the reverse side of this page or additional sheets of paper.)

1. Parties to the action: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
2. Court (if federal court, name the district; if state court, name the county): \_\_\_\_\_  
 \_\_\_\_\_
3. Docket Number: \_\_\_\_\_
4. Name of judge to whom case was assigned: \_\_\_\_\_
5. Disposition (for example: was the case dismissed? If so, what grounds? Was it appealed? Is it still pending?): \_\_\_\_\_

## PARTIES

(In item I below, place your name and prisoner number in the first blank and place your present address in the second blank. Do the same for additional plaintiff, if any).

I. Name of plaintiff: Tommy Smith Prisoner Number: # 31739

Address: 10641 E.M.C.F

Hwy 80 W.

Meridian, MS 39307

(In item II below, place the full name of the defendant in the first blank, his official position in the second blank, and his place of employment in the third blank. Use the space below item II for the names, positions, and places of employment of any additional defendants.)

II. Defendant: Management And Training Corp. is employed as

at

The plaintiff is responsible for providing the court the name and address of each plaintiff(s) as well as the name(s) and address(es) of each defendant(s). Therefore, the plaintiff is required to complete the portion below:

## PLAINTIFF:

NAME:

NA

ADDRESS:

NA

## DEFENDANT(S):

NAME:

Miss Dept. Of Corrections

Christopher Epps, Comms

Baloria Perry, Med Dir

Health Assurance

BEO Group Inc

Dr. Faulks, M.D.

Jane and John Doe's

ADDRESS:

633 North State Street - Jackson, MS 39202

633 North State Street - Jackson, MS 39202

633 North State Street - Jackson, MS 39202

See Attachments

## Attachment OF PARTIES

### II. Defendants:

Name:

Jane Doe's }  
John Doe's }

Plaintiff reserves the right to leave room for future amending of defendant(s) unknown at present to plaintiff that through discovery, investigation, litigation, settlement, etc that can/may arise, defendant may surface.

This may already be construed under Et. AL., however. Plaintiff is going on record and formally stating such in his civil action application.

Amended  
(From page # 2 of form)

Tommy Smith # 31739  
Signature of Plaintiff M.D.O.C. # 31739

### GENERAL INFORMATION

A. At the time of the incident complained of in this complaint, were you incarcerated because you had been convicted of a crime?

Yes ( ☒ ) No ( ☐ )

B. Are you presently incarcerated for a parole or probation violation?

Yes ( ☐ ) No ( ☒ )

C. At the time of the incident complained of in this complaint, were you an inmate of the Mississippi Department of Corrections (MDOC)?

Yes ( ☒ ) No ( ☐ )

D. Are you currently an inmate of the Mississippi Department of Corrections (MDOC)?

Yes ( ☒ ) No ( ☐ )

E. Have you completed the Administrative Remedy Program regarding the claims presented in this complaint?

Yes ( ☒ ) No ( ☐ ), if so, state the results of the procedure: ARP process failed miserably at addressing issues (see attached)

F. If you are not an inmate of the Mississippi Department of Corrections, answer the following questions:

1. Did you present the facts relating to your complaint to the administrative or grievance procedure in your institution?

Yes ( ☐ ) No ( ☐ )

2. State how your claims were presented (written request, verbal request, request for forms): \_\_\_\_\_

3. State the date your claims were presented: \_\_\_\_\_

4. State the result of the procedure: \_\_\_\_\_

## GENERAL INFORMATIONAL ATTACHMENT

(E.) Have you completed the Administrative Remedy Program regarding the claim's presented in this complaint? Yes

If so, state the results of the procedure: ARP process failed miserably at addressing issues:

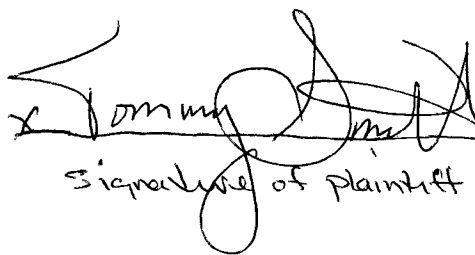
See Attached ARP (Medical) to wit the Court can obviously see how serious medical needs went unaddressed, and/or inadequately addressed in both Step One and Two and M.D.C. is excluded and given immunity in addressing by Step Three being eliminated by the ARP process altogether.

However, disclosure and discovery rules will disclose deliberate indifference in not only serious medical needs addressed in ARP's, but security issues, disciplinary violation of procedure, due process, violations, abuse of authority, all of which the ARP, Grievance, Informal Resolutions, etc. have been sought and exhausted prior to seeking this 1983 Civil Action suit.

I've well-established 8<sup>TH</sup> Amendment Rights violations documented, as well as 4<sup>TH</sup>, 5<sup>TH</sup>, 6<sup>TH</sup> and 14<sup>TH</sup>, I'm a part of the on-going ACLU civil action as a witness (NOT a plaintiff)

Therefore do not confuse nor denote a conflict of interest here regarding such. Only that my case DOES in fact has much merit!

Amended  
(From page # 3 of form)

 #31739  
Signature of plaintiff M.D.C. #

## STATEMENT OF CLAIM

- III. State here as briefly as possible the facts of your case. Describe how each defendant is involved. Also, include the names of other persons involved, dates, and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of different claims, number and set forth each claim in a separate paragraph. (Use as much space as you need; attach extra sheet if necessary.)

Petitioner will show the Court by way of Discovery, that his U.S. Constitutional Amendment VIII Rights have been violated in Cruel & Unusual Punishment "Conditions of Confinement" "Deliberate Indifference of a Serious Medical Need" "Unnecessary & Wanton Infliction of Pain" while being imprisoned at the East Mississippi Correctional Facility located in East Gap in Lauderdale County, Meridian, MS.

Petitioner's Discovery will show that although his ARP that initiated this civil action was filed on 9-8-14, Constitutionality is NEVER time-barred, and Petitioner's discovery will produce ARP's, Informal Resolutions, etc. of Due Process Violations, Excessive Force, Misuse of Authority, Medical Neglect, and many other horrors dating back to 2009 GEO Group Inc. See Attachments

## RELIEF

- IV. State what relief you seek from the court. Make no legal arguments. Cite no cases or statutes.

① I demand a Jury Trial. ② I demand medical specialist to treat much delayed untreated ailments: (A) Diagnosed Foot - Orthopedic Shoes Re-order; (B) Diagnosed Skin Disorder & Dermatologist; Re-injured Knee; Chronic Pain & Foot Doctor Regular follow-up instead of sporadic & frequent interruptions in scheduled appointments. Improved security, Improved Staff, Certified Staff

Signed this 2nd day of December, 20 2014

X Tommy Smith #31739  
Signature of plaintiff, prisoner number and address of plaintiff

I declare under penalty of perjury that the foregoing is true and correct.

12-2-2014  
(Date)

X Tommy Smith  
Signature of plaintiff

## Attachment TO STATEMENT OF CLAIM

Amended

(From page 4 of form)

### III. Statement Of The Claim

Defendant 1) M.D.O.C. - as in other civil action directly linked to Plaintiff as an inmate at EMCF under the exact same confinement, conditions, administrations, etc. currently being litigated, M.D.O.C. is at fault in the individual claims Plaintiff is alleging in his, this complaint and has been feverishly attempting to resolve without initiating this 1983 civil action. M.D.O.C. as an entity is not, and should not be exempt from me just as it is not in other actions currently against it.

Anything else is prejudicial and discriminatory in nature and substance!

Defendant 2) Christopher Epps, Commissioner in his official and in an individual capacity - and/or to include the acting or whoever is appointed in Mr. Epps's place. The State must bear the burden of guilt and no inmates should suffer and go unanswered/uncompensated simply by a reassignment/reappointment of an official.

Christopher Epps and his Office is to be made to stand for its wrong-doings without escape. NO one is above the law! Mr. Epps's primary job is/was to oversee M.D.O.C. functioning. M.D.O.C. was/is to oversee it's state inmates welfare, no matter where they are!

State inmates are word of the State, /M.D.O.C., the Commissioner being the head with the state inmates families, and taxpayers to answer too.

Attachment To Statement of  
The Claim

(cont.)

III.

Defendant 3) Gloria Perry, Medical Dir M.D.O.C. In her official / individual capacity. - I've forwarded Ms Perry documentation of my several medical dilemmas and negligence in getting them resolved through not only ARP'S, but the likes of the E.M.C.F's M.D.O.C.'s Contract Monitor Tyeasa Evans

Ms. Perry and her office via legal Mail, as Mr. Epps and his office was, were well aware of my medical needs and consequential mental anguish and distress as well. There's simply NO excuse(s) for their non-compliance and especially total disregard as to not even to reply back to me concerning my affairs which are their affairs.

Defendant 4) Health Assurance-is said by staff at EMCF "(MTC doctors, nurses, etc.) will not pay for this service Mr. Smith, it's not going to ~~offer~~ pay for / offer that service, medication, referral, etc." "Our budget won't allow this / that ..."

Health Assurance, whether it did or didn't fund a medical service, didn't see to it that I was afforded that service or a chance at that service.

Medical services are NOT to be denied an inmate because Health Assurance didn't / couldn't offer or perform it... cruel and unusual punishment. This is what overrides and such are for animals aren't allowed to suffer in this country. They're put out of their misery one way or the other!

Attachment To Statement To  
The Claim

(cont.)

III

Defendant 5) GEO Group Inc. - Although they left in 2012 my discovery and discovery that the state charged ACLU National Prison Project to date it's information back to 2009 also includes GEO Group.

However, my complaint includes GEO Group and medical as well as other issues continues to cross hairs and only the court can define and redefine certain lines of liability, especially when it comes to medical damages.

This is especially where I will need a Jury Trial and perhaps hearings to determine boundaries for claims as I would be greatly disadvantaged.

Defendant 6) Dr. Carl Faulks M.D. - Dr Faulks was the doctor as GEO Group Inc. and he reappeared again / rehired with MTC Management and Training Corp for E.M.C.F.

On one administration Dr. Faulks was more liberal (GEO), yet with MTC, he was much more conflicting. However, the man has never been professional as he's inconsistent, absent-minded, short-tempered, neglectful among many other characteristics unbecoming of a physician.

Defendant 7) Dr. Roland Abangon M.D. - Too preoccupied in discussing the cost of MTC & Health Insurance's budget than my discomforts & what he can do for me. He prescribes 7buprofen much to my ~~ag~~ <sup>??</sup>shagrin only for me to receive Remeron from him a psych medication for depression that has NOTHING to do with the Rheumatoid Arthritis he said I had to live with & was prescribing 7buprofen for.

Attachment To Statement To  
The Claim

(Cont.)

III.

Defendant To Dr Abangan (Cont.)


To my understanding & an inquiry / discovery disclosure  
will uncover truth or no:

① Dr. Abangan was previously released from R20 Group Inc.  
& had to be escorted off the premises (due to failure to  
comply with his release paper's approx 2009).

② It's also reported he's been released since then from  
G.M.C.F. medical

This is worthy of the Courts intervention alone! In  
interest of Justice & Public Trust / Interest!

Defendants Jane / John Doe's addressed in General Information Attachment

x  #31739  
Signature of Plaintiff M.D.C. # 31739

## Attachment of Relief

Amended  
(From page #4 from form)

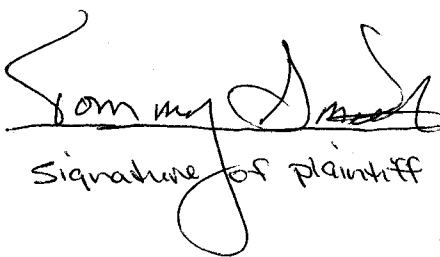
IV.

Relief Sought:

In addition to the listed relief sought on original form, I'm amending the page to include compensation for damages suffered. The extent I do not fully know what compensation to request and ask for a Jury trial to wit the jury, upon awarding, would assist in determining.

I would like to add that if there's irreversible damage done or cause due to neglect and/or medical diagnosis beyond my scope or imagining, this language may will be construed as, I, Plaintiff don't know to what degree I have been damaged medically to put a price tag on.

Thus, Relief Sought is for a Partial Summary Judgment as on page # 4 of original form, but Plaintiff reserves the right to leave the final compensatory or monetary sought open at this juncture.

 # 31737  
Signature of plaintiff # M.D.O.C # 31737